

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**April 14, 2008**

**C054442      THE PEOPLE v. SAVALA      (Not For Publication)**

The sentence enhancement stayed by the trial court is stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy thereof to the Department of Corrections and Rehabilitation.

RAYE, Acting P.J.

We Concur:     Hull, J.

Cantil-Sakauye, J.

**C055709      THE PEOPLE v. LOPEZ, JR.**

BY THE COURT:

Appellant's petition for rehearing is granted. (See Gov. Code §68081.)

The decision filed on March 19, 2008, is vacated.

SCOTLAND, P.J.

**C058201      GUTIERREZ v. MONO COUNTY SHERIFFS et al.**

BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on March 13, 2008, is vacated. The trial court clerk is directed to proceed with preparation of the record on appeal.

SCOTLAND, P.J.

**April 15, 2008**

**MISC. ORDER 2008-006**

BY THE COURT:

Associate Justice Fred Morrison is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on April 17, and April 18, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C053173      THE PEOPLE v. BRAGG      (Certified For Publication)**

The judgment is affirmed.

HULL, J.

We Concur:     Sims, Acting P.J.

Cantil-Sakauye, J.

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**Court Minutes**

**April 15, 2008 continued**

- C053247      THE PEOPLE v. THOMAS, et al.      (Not For Publication)**  
The judgment for both defendants is modified by striking the conviction under Health and Safety Code section 11352, subdivision (a) --count three. The judgment of defendant Alleyne is modified by awarding him an additional day of credit (actual credits of 265 days, and total credits of 397 days). As modified, the judgments are affirmed. The trial court is directed to prepare amended abstracts of judgment reflecting the modifications and to forward certified copies of the amended abstracts to the Department of Corrections and Rehabilitation.  
BUTZ, J.  
We Concur: Scotland, P.J.  
Hull, J.
- C054833      THE PEOPLE v. TESKA      (Not For Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Davis, J.
- C055541      THE PEOPLE v. COLLINS      (Not For Publication)**  
The matter is remanded to the trial court for resentencing in conformity with sentence imposed in these matters on October 31, 2005. The court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.  
NICHOLSON, J.  
We Concur: Nicholson, J.  
Robie, J.
- C055675      THE PEOPLE v. DAY      (Not For Publication)**  
The judgment is modified by striking the \$600 restitution fine imposed by the trial court. The \$200 restitution fine remains in force. The \$600 parole fine is reduced to \$200. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Robie, J.
- C055707      THE PEOPLE v. FLAKES      (Not For Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Davis,  
Hull, J.

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**Court Minutes**

**April 15, 2008 continued**

- C055743      THE PEOPLE v. HOLT      (Not For Publication)**  
The judgment is modified by striking the \$400 fee imposed pursuant to Penal Code section 1203.097. As modified, the judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Robie, J.
- C056060      THE PEOPLE v. STANFIELD      (Not For Publication)**  
The trial court is directed to amend the abstract of judgment as follows: In paragraph 5, uncheck the box for the \$50 "Lab Fee per HS 11372.5 (a)" as well as the box for the \$150 "Drug Program Fee per HS 11372.7 (a)." The trial court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C056380      THE PEOPLE v. JAMES      (Not For Publication)**  
The matter is remanded to the trial court to determine defendant's entitlement, if any, to actual days and conduct days for the time spent in SWIP and, should the court determine his participation was mandatory, the actual number of days spent in SWIP. The judgment is otherwise affirmed.  
RAYE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C056381      THE PEOPLE v. TERRY      (Not For Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Robie, J.
- C056386      In re MICHAEL M.; THE PEOPLE      (Not For Publication)**  
**v. MICHAEL M.**  
The judgment of the juvenile court is affirmed.  
RAYE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
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**Court Minutes**

**April 15, 2008 continued**

**C052211      HI-VOLTAGE WIRE WORKS, INC.      (Not For Publication)  
v. HERMAN; EIDSON**

**THE COURT:**

It is ordered that the opinion filed herein on April 2, 2008, be modified as follows:

On page 11, the final sentence of the opinion, which reads "Herman shall recover costs on appeal," is deleted in its entirety, and the following sentence is inserted in its place:

Appellants Hi-Voltage Wire Works, Inc., and Derian Eidson shall recover costs on appeal. This modification changes the judgment.

**BY THE COURT:**

SCOTLAND, P.J.

Raye, J.

Robie, J.

**C053775      KEITH BRACEWELL v. MARSHA NAKAWATASE, etc., et al.;  
DEPARTMENT OF HEALTH SERVICES**

**BY THE COURT:**

Appellant's petition for rehearing is granted. The decision filed on March 17, 2008, is vacated.

RAYE, Acting P.J.

**C054596      VOICES FOR RURAL LIVING et al.; EL DORADO COUNTY v.  
DEPARTMENT OF TRANSPORTATION; LAKES ENTERTAINMENT  
INC.; SHINGLE SPRINGS BAND OF MIWOK INDIANS, etc.**

**BY THE COURT:**

Appellant's petition for rehearing is denied.

DAVIS, Acting P.J.

**C054597      VOICES FOR RURAL LIVING et al. v. DEPARTMENT OF  
TRANSPORTATION et al.; LAKES ENTERTAINMENT INC. et al.**

**BY THE COURT:**

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

**COURT OF APPEAL  
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**Court Minutes**

**April 16, 2008**

- C051605      THE PEOPLE v. HARNESS      (Not For Publication)**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We Concur: Raye, J.  
Robie, J.
- C055221      THE PEOPLE v. VILLANUEVA      (Not For Publication)**  
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment to reflect the date of defendant's conviction as of May 25, 2000, and to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur: Raye, Acting P.J.  
Morrison, J.
- C055498      THE PEOPLE v. COX      (Not For Publication)**  
The judgment is modified by staying the sentence on count four pursuant to Penal Code section 654. As modified, the judgment is affirmed. The trial court shall amend the abstract of judgment to reflect the sentence imposed on count four and, further, to reflect that imposition of that sentence is stayed pursuant to Penal Code section 654. The trial court shall then forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
HULL, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C056522      THE PEOPLE v. SHAW      (Not For Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Sims, Acting P. J.  
Davis, J.
- C054314      Estate of McDANIEL;  
McDANIEL v. McDANIEL      (Certified For Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on March 27, 2008, be modified as follows. ...  
THE COURT:  
RAYE, Acting P.J.  
Morrison, J.  
Hull, J.

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**Court Minutes**

**April 16, 2008 continued**

**C054634      In re RONALD SINGLER on      (Certified For Publication)  
Habeas Corpus**

THE COURT:

It is ordered that the opinion filed in this case on March 26, 2008, be modified in the particulars:

1. On pages 31-32, delete the paragraph under the heading DISPOSITION, and substitute the following. ...

FOR THE COURT:

SCOTLAND, P.J.

Nicholson, J.

Raye, J.

**April 17, 2008**

**C054791      THE PEOPLE v. HAND      (Not For Publication)**

Defendant's convictions are affirmed. Defendant's sentence is vacated. The matter is remanded and the trial court is directed to consider defendant's request to institute Welfare and Institutions Code section 3051 commitment proceedings and either institute such proceedings or state on the record why it is denying defendant's request.

SIMS, Acting P.J.

We Concur: Hull, J.

Robie, J.

**C055643      THE PEOPLE v. BURTON      (Not For Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Davis, Acting P. J.

Hull, J.

**C056720      HUFNAGEL v. NORTH VALLEY      (Not For Publication)  
BANK et al.**

The judgment is affirmed. North Valley Bank shall recover costs on appeal. (Cal. Rules of Court, rule 8.278 (a) . )

ROBIE, J.

We Concur: Scotland, P.J.

Sims, J.

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**Court Minutes**

**April 17, 2008 continued**

**C056820      FOSTER v. WORKERS'      (Certified For Publication)**  
**COMPENSATION APPEALS; ZURICH**  
**AMERICAN INSURANCE COMPANY et al.**

The WCAB's order granting reconsideration and decision after reconsideration is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P. J.

Morrison, J.

**C052924      THE PEOPLE v. CHAVEZ      (Certified For Publication)**  
**THE COURT:**

The opinion of this court filed March 27, 2008, was not certified for publication in the Official Reports. For good cause it now appears the opinion should be published in its entirety in the Official Reports and it is so ordered.

BY THE COURT:

MORRISON, Acting P.J.

Hull, J.

Robie, J.

**C054010      HENDERSON v. UNITED INSURANCE COMPANIES, INC., et al.**  
**BY THE COURT:**

Respondent's request to publish the opinion filed on March 26, 2008, is denied.

Blease, Acting P.J.

**C056649      In re CALLIE H., et al.; EL DORADO COUNTY DEPARTMENT**  
**OF SOCIAL SERVICES v. CRAIG M., et al.; CALLIE H., et al.**  
**BY THE COURT:**

Respondent's Craig M.'s motion to dismiss the appeal is granted. The appeals filed on August 16, 2007, and August 28, 2007, are dismissed.

Sims, Acting P.J.

**April 18, 2008**

**C054590      THE PEOPLE v. JOHNSON, JR.      (Not For Publication)**

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

**COURT OF APPEAL  
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**Court Minutes**

**April 18, 2008 continued**

<b>C055058</b>	<b>THE PEOPLE v. FORD</b> The judgment is affirmed. SIMS, Acting P.J. We Concur: Nicholson, J. Robie, J.	<b>(Not For Publication)</b>
<b>C056068</b>	<b>THE PEOPLE v. MEDRANO</b> The judgment is affirmed. CANTIL-SAKAUYE, J. We Concur: Sims, Acting P. J. Morrison, J.	<b>(Certified For Publication)</b>
<b>C056181</b>	<b>THE PEOPLE v. FORBES</b> The judgment is affirmed. SIMS, Acting P.J. We Concur: Nicholson, J. Robie, J.	<b>(Not For Publication)</b>
<b>C056756</b>	<b>THE PEOPLE v. RADO</b> The judgment is affirmed. CANTIL-SAKAUYE, J. We Concur: Raye, Acting P. J. Butz, J.	<b>(Not For Publication)</b>
<b>C057192</b>	<b>THE PEOPLE v. DUARTE</b> The judgment is affirmed. BUTZ, J. We Concur: Nicholson, Acting P. J. Robie, J.	<b>(Not For Publication)</b>